



Patent  
098719-100001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**Michael R. SPENCER, et al.**

**Serial No.:** 10/731,898

**Filed:** December 9, 2003

**For: COVER SYSTEM FOR TRUCK  
BOX**

**Confirmation No.:** 4701

**Group Art Unit:** 3612

**Examiner:** Blankenship, Gregory A.

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP**

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT  
APPEALS AND INTERFERENCES AND TRANSMITTAL FOR AMENDMENT  
AND RESPONSE AFTER FINAL REJECTION**

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed October 9, 2007, finally rejecting claims 1-8, 10, 13-15, 19-27, 29, 30 and 32-40. Furthermore, transmitted herewith is an Amendment and Response after Final Rejection (37 C.F.R. 1.116) for this application.

The items checked below are appropriate:

☒ **"Small Entity Status"** of this application under 37 CFR 1.27 has been established.

☐ A Verified Statement to establish **"Small Entity Status"** under 37 CFR 1.9 and 1.27 is enclosed.

04/15/2008 MBELETE1 00000002 502468 10731898

01 FC:2401 255.00 DA  
02 FC:2253 525.00 DA

**CERTIFICATE OF MAILING**  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

April 9, 2008  
Date of Deposit  
LAI-2259690v1

Yolanda G. Ybuan

Name of Person Mailing Paper

Yolanda G. Ybuan  
Signature of Person Mailing Paper

# **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 CFR 1.17(b), the fee for filing the Notice of Appeal is:

- ☐ other than a small entity \$510.00
- ☒ small entity \$255.00

**Notice of Appeal Fee Due: \$255.00**

## **EXTENSION OF TIME**

- ☒ Applicant(s) petitions for an extension of time under 37 CFR 1.136 [fees: 37 CFR 1.17(a)-(d)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input type="checkbox"/> one month	\$60.00	\$120.00
<input type="checkbox"/> two months	\$230.00	\$460.00
<input checked="" type="checkbox"/> three months	\$525.00	\$1,050.00
<input type="checkbox"/> four months	\$820.00	\$1,640.00
<b>Fee</b>		<b>\$525.00</b>

**If an additional extension of time is required, please consider this a petition therefor.**

## **FEES FOR CLAIMS:**

The fees for claims (37 CFR 1.16(b)-(d)) have been calculated as shown below:

Total Claims	30 - 38	= 8 x \$50	\$0.00
Independent Claims	6 - 10	= 0 x \$210	\$0.00
Multiple Dependent Claims	\$370 (if applicable)		\$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>			<b>\$0.00</b>
Reduction by ½ for Filing by Small Entity. Note 37 CFR 1.9, 1.27, 1.28. If applicable, Verified Statement must be attached.			
<b>TOTAL FEES FOR CLAIMS SUBMITTED HERewith</b>			<b>\$0.00</b>

- ☐ A check in the amount of \_\_\_\_\_ is enclosed to cover the above fee(s).
- ☒ Charge Jones Day's Deposit Account No. **50-2468** in the amount of **\$780.00**.

☒ The Commissioner is authorized to charge Jones Day's Deposit Account No. **50-2468** for any fees required under 37 CFR §§ 1.16 and 1.17 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account **50-2468**.

Respectfully submitted,

Dated: April 9, 2008

By: 

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